REMARKS

The Office Action dated February 24, 2004 has been reviewed and carefully considered. Claim 2 has now been redrafted into independent form as the new claim 1 and canceled. Claims 1 and 3-16 are pending, of which the independent claims are 1, 6, 8, 10 and 14. Reconsideration of the above-identified application, as amended and in view of following remarks, is respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as unpatentable over European Patent Application EP 0 935 363 A1 to Tanaka et al. ("Tanaka") in view of U.S. Patent No. 5,544,328 to Seshadri.

Claim 2 has now been redrafted into independent form as the new claim 1.

Claim 1, former claim 2, recites:

A cross media error protection system for multimedia data having a plurality of media streams of different type, the system comprising: a packaging system for packaging the multimedia data into discrete packets, wherein each packet includes a plurality of fields, and wherein data segments from each of the media streams are placed into different ones of the plurality of fields; and an insertion system for inserting error protection data into one of the plurality of fields in each packet, wherein a size of each of the plurality of fields is proportional to a size of each of the plurality of media streams.

Although item 3 of the previous Office Action did not explicitly say what it deems to be lacking in Tanaka so as to necessitate a Tanaka/Seshadri obviousness rejection, item 3 of that previous Office Action appears to suggest that Tanaka fails to disclose the insertion system.

Item 2.1 of the current Office Action retains the obviousness rejection but appears to suggesting anticipation by Tanaka.

Item 2.1 of the current Office Action states "Tanaka does disclose error

protection insertion in col. (page) 3 lines 43-45," and item 2.2 states that "Tanaka does

disclose the packet size is a function of information content, e.g., in para. 8, as also seen

in FIG. 13A."

Firstly, there is no apparent disclosure or suggestion of a functional

relationship. Tanaka discloses no more than that packet length "changes according to

information content of each media information" and that packets are "variable length"

[0008]. The variable packet length varies from frame-to-frame [0020, 0088] presumably

to meet current conditions or backlog.

The Office Action does not go so far as to state that Tanaka discloses

"wherein a size of each of the plurality of fields is proportional to a size of each of the

plurality of media streams" as explicitly required by the language of claim 1. Moreover,

the applicant submits that it cannot fairly be stated that the above-quoted limitation is

disclosed or suggested in Tanaka.

Seshadri likewise fails to disclose or suggest that "a size of each of the

plurality of fields is proportional to a size of each of the plurality of media streams" as

explicitly required by the language of claim 1. The Seshadri methodology may

determine, for instance, that only the vital portions of the video are retained in the first

data stream (col. 2, lines 1-11), the quantity of which would vary over time with the

importance of the particular video data to be immediately processed in the incoming

bitstream. Seshadri thus fails to show or suggest proportionality for "each packet."

Seshadri further fails to show or suggest that the field size would even be more closely

related to the stream size than to the perceived importance of the data being immediately

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processed. It is also conceivable, in the absence of a suggestion to the contrary, that the relatively greater amount of one media stream in relation to another media stream is handled by intermittently transmitted packets devoted more or entirely to carrying the media which exists in greater amount.

Item 3 of the previous Office Action dismisses former claim 2, which is now claim 1, by suggesting that the Seshadri unequal protection methodology "inherently" teaches the use of proportional principles with regard to size, and, presumably, if citing to Seshadri for this purported teaching, cites to lines 44-45 of column 3, but the cited passage in no way discloses or suggests proportionality as to size. Accordingly, for at least the above reasons, Seshadri fails to disclose or suggest the invention as recited in claim 1.

Any suggestion that "it would be possible" to configure Tanaka/Seshadri so that it meets the claim limitations would amount to nothing less than pure <u>impermissible hindsight</u> gained by reading the disclosure of the present invention.

Claims 10 and 14 recite "wherein each discrete packet includes a data segment from <u>each</u> of the media streams, and wherein a size of each packet is <u>proportional</u> to the size of each media stream" and are each likewise deemed to be patentable over the cited prior art for at least the same reasons set forth above with regard to claim 1.

As to claims 6 and 8, the proposed Tanaka/Seshadri combination would not feature the proportionality mentioned above. In particular, the cited references, alone or in combination, do not disclose or suggest that "the sizes of the first and second field are <u>proportional</u> to the sizes of the first and second media stream" as explicitly required by

the language of claim 6. For at least this reason, Tanaka/Seshadri fails to render obvious the invention as recited in claim 6. Reconsideration and withdrawal of the rejection is respectfully requested.

The remaining claims depend from one of the base claims and are each deemed to be patentable over the cited prior art for at least the same reasons, although each claims merits further consideration for its respective additional merits.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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